

BILL NO. S-75-08-08

SPECIAL ORDINANCE NO. S- 151-75.

AN ORDINANCE approving a certain bid document  
with REITH-RILEY CONSTRUCTION COMPANY  
for construction of Bike Trails

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 658 dated July 18,  
1975, by and through the Mayor and the Board of Park Commissioners and  
REITH-RILEY CONSTRUCTION COMPANY, for:

Construction of Hard Surface Bike Trail in  
the City of Fort Wayne \$36,260.42

all as more specifically set forth in said bid document Ref. No. 658 and Purchase  
Order No. 3-31181, which are on file in the office of the Department of Purchas-  
ing and are by reference incorporated herein, made a part hereof and are here-  
by in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from  
and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Jelenc, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8-12-75

Charles W. Teterman  
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by J. Raus, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
BURNS	<u>X</u>	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____
KRAUS	<u>X</u>	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____
TALARICO	_____	_____	_____	<u>X</u>

DATE: 8-26-75

Charles W. Teterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 2-151-75 on the 26th day of August, 1975.

ATTEST: (SEAL)  
Charles W. Teterman  
CITY CLERK

James S. Stier  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1975, at the hour of 10:40 o'clock A. M., E.S.T.

Charles W. Teterman  
CITY CLERK

Approved and signed by me this 27th day of August, 1975, at the hour of 2:00 o'clock P. M., E.S.T.

Paul Rapp  
MAYOR

No. Bill No. S-75-08-08

REPORT OF THE COMMITTEE ON FINANCE

your Committee on Finance to whom was referred an Ordinance  
approving a certain bid document with REITH-RILEY CONSTRUCTION COMPANY

for construction of-Bike Trails

we had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

Vivian G. Schmidt - Chairman

William T. Hoge - Vice-Chairman

John Buckels

Winfield C. Moses, Jr.

Paul M. Burns

*Vivian G. Schmidt*

*William T. Hoge*

*John Buckels*

*Winfield C. Moses Jr.*

DATE 8-26-75 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

*memo. from*

## Purchasing Department

July 18, 1975

Board of Park Commissioners  
8th Floor - City County Building  
One Main Street - Fort Wayne, Indiana

Attention: Dennis Noak

Subject: Bid Reference No. 658

The successful bidder on the Bike Trail:

Reith-Riley Construction Company

Purchase Order No. 3-31181

\$36,260.42

Tabulation Sheet enclosed



3816

Tabulation of Bid

Bid Reference No. 658

Bike Trail

Closing Date July 17, 1975

Brooks Construction Company, Inc.  
1123 Barthold Street  
Fort Wayne, Indiana 46808

Dailey Asphalt Products' Company  
1034 Oakland Street  
Fort Wayne, Indiana 46808

Wayne Asphalt & Construction Co. Inc.  
6600 Ardmore Avenue  
Fort Wayne, Indiana 46809

Votaw & Sons  
5035 Starwood  
Fort Wayne, Indiana 46818

G & H Paving  
Rural Route #1  
LaOtto, Indiana

Reith-Riley Construction Company  
West Madison Street  
Goshen, Indiana 46526

36,260.<sup>42</sup>

BID 8 END-OK NON COLL-OK

A. M. Tilbury  
1300 Leesburg Road  
Fort Wayne, Indiana 46808

Whispering Pines  
Rural Route #1  
St. Joe, Indiana 46785

A.T. Dandroff  
F.E. Krolner  
7/17/75 @ 11:00 AM

# CITY OF FORT WAYNE

DEPARTMENT OF PURCHASES  
NUMBER ONE EAST MAIN STREET  
ROOM 470  
FORT WAYNE, INDIANA 46602

MAIL ALL CORRESPONDENCE, CLAIM VOUCHERS ETC. TO:

Board of Park Commissioners  
8th Floor - City County Building  
One Main Street - Fort Wayne, Indiana

Reith-Riley Construction Company  
2511 North County Line Road  
Huntertown, Indiana

DELIVER TO:-  
DEPARTMENT  
OR DIVISION

ADDRESS \_\_\_\_\_  
CASH DISCOUNT TERMS \_\_\_\_\_ % IF PAID WITHIN \_\_\_\_\_ DAYS FROM DELIVERY AND  
ACCEPTANCE OF GOODS OR PERFORMANCE OF SERVICES. (DEDUCTION FOR DISCOUNT SHOWN BELOW)

PURCHASE ORDER NUMBER

3- 31181

DATE July 18, 1975  
REF. NO.  
REQ. NO. 2468

THE ABOVE INFORMATION MUST APPEAR ON  
ALL INVOICES, BILLS OF LADING, DELIVERY  
TICKETS, PACKAGES AND CORRESPONDENCE.  
INVOICE IN DUPLICATE.

THIS PURCHASE ORDER ISSUED BY:  
DEPT. DP

DATE }  
WANTED }  
APPROPRIATION } Revenue Sharing  
AND FUND }  
NUMBER }

QUANTITY ORDERED	UNIT	MATERIALS, SUPPLIES OR SERVICES	UNIT PRICE	AMOUNT
<b>TAX EXEMPT</b> (UNLESS OTHERWISE INDICATED)				
		Construction of Hard Surface Bike Trail in the City of Fort Wayne.		36,260.42
		Per Bid Reference No. 658		
		Subject to Councilmanic Approval		
		ATD/gb		

COMPLIANCE WITH  
THE DELIVERY DATE  
REQUESTED WILL A-  
VOID "FOLLOW UP"  
CORRESPONDENCE.

## NOTE

↓

## READ

INSTRUCTIONS ON  
THE BACK OF THIS  
ORDER  
THE CONTRACTOR OR  
VENDOR, BY ACCEPT-  
ING THIS ORDER, A-  
GRIES TO THE GEN-  
ERAL CONDITIONS AND  
TERMS OF AGREEMENT  
ON THE BACK OF THIS  
ORDER.

UNLESS OTHERWISE  
INDICATED THE PRICES  
SHOWN INCLUDE ALL  
CHARGES FOR DELIV-  
ERY, PACKING, ETC.,  
NECESSARY TO COM-  
PLETE DELIVERY TO  
DESTINATION SPECI-  
FIED.

UNLESS OTHERWISE  
INDICATED THE PRICES  
SHOWN DO NOT INCLUDE  
TAXES OF ANY KIND.

EXEMPTION BLANKS  
WILL BE FURNISHED  
WHEN NECESSARY.

IND. SALES TAX  
EXEMP. CERTIF. NO.  
34508

IF THIS ORDER DOES  
NOT AGREE WITH YOUR  
QUOTATION KINDLY  
RETURN IT WITH AN  
EXPLANATION.

I HEREBY CERTIFY THAT THE COST OF THE ABOVE PURCHASE IS FULLY COVERED  
BY UNENCUMBERED BALANCES IN THE ABOVE FUNDS AND THAT THE  
EXPENDITURE THEREFOR HAS BEEN DULY AUTHORIZED AND APPROPRIATED.

Edward G. Kamnikar - City Controller

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT THIS ORDER  
IS AUTHORIZED BY A PROPERLY EXECUTED AND APPROVED REQUISITION ON  
FILE IN THIS OFFICE.

Alex T. Demetrolit - Director of Purchases

**DEPARTMENT OF PURCHASES**  
 Number One Main St., Ft. Wayne, Ind. 46802

**INVITATION**

Quotations, subject to the conditions on the reverse hereof, are requested on the following list of materials, supplies, equipment or services, for the department as mentioned, with delivery to destination as shown below. Quotations shall include all charges for delivery, packing, etc. Address your reply as indicated below.

\*Mail all replies and correspondence, etc. to Attn. of A. T. Demetroff - 423-7037 DEPARTMENT OF PURCHASES

Room 470, Number One Main St., Ft. Wayne, Ind. 46802

**REQUIRED FOR DELIVERY TO:**

Department or Division Board of Park Commissioners  
8th Floor - City County Building  
 Address One Main Street - Fort Wayne, Indiana

**RETURN ORIGINAL TO THE CITY — RETAIN DUPLICATE COPY FOR YOUR FILE**

Closing Time of Bids Thursday - July 17, 1975 - 11:00 A.M.

**TAXES: THE CITY IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS NO. 24608. PRICES SHOULD NOT INCLUDE THESE TAXES. See "Instructions to Bidders" No. 10 on reverse hereof for details.**

**TAX EXEMPT (Unless otherwise indicated)**

Page 1 of 2

Ref. No. 658

Date July 2, 1975

Date wanted \_\_\_\_\_

Fund \_\_\_\_\_  
 Appropriation No. \_\_\_\_\_

Quantity	Unit	Materials, Supplies, Equipment or Services	Unit Price	Total Amount
		See Attached Specifications.		
		Bike Trail		<u>\$7,260.92</u>
<i>Thirty six thousand, two hundred and sixty dollars and forty two cents</i>				
Each Bidder must submit a current 1975 written Affirmative Action Program with their bid - or - have it on file with our E.E.O. Office, for the current year. NOTE: Forms attached must be complete in full, if not on file in E.E.O. ON FILE <u>ATTACHED</u> ✓				

Bid Bond required ☐ YES ☒ 5% Performance Bond ☐ YES ☒ 100%  
See instruction item No. 16 on reverse side hereof.

Terms        % cash discount if paid within        days from delivery and acceptance of goods or completion of services.

**PROPOSAL OR BID**

In compliance with the above invitation for bids and subject to all conditions thereof, the undersigned offers and agrees, if this bid be accepted within a reasonable time from date of closing, to furnish any or all of the items or render such services upon which prices are quoted, in accordance with the specifications applying and at the price set opposite each item.

Delivery of any or all of the items or completion of services indicated shall be made within        days from receipt of order.

**IMPORTANT**

As delivery may be a deciding factor in the award of an order, it is important that bidders furnish the information requested above.

By John P. [Signature] Area Supt.  
 Name of Company John P. [Signature]  
 Address 2511 N. Co. Line Rd.  
 City Hunterstown, Ind. Date 7-17-75

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA, }  
Allen COUNTY } SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale or contract.

  
Charles O. Young, Area Supt.

Bidder or Agent

For Rieth Riley Construction Co., Inc.  
 Firm or Corporation

Subscribed and sworn to before me this 17th day of July, 1975

My Commission Expires

April 15, 1978

  
 Notary Public



REQUEST FOR PUBLICATION

News Sentinel	x
Journal Gazette	x
Other	

DATE July 2, 1975

Kindly publish the following advertisement on the dates as shown and issue invoice to \*

\* Department Board of Park Commissioners  
8th Floor - City County Building  
Address One Main Street - Fort Wayne, Indiana

Department of Purchases  
City of Fort Wayne

By A. T. Demetroff

BIDS WANTED - REFERENCE NO. 658

Sealed Proposals will be received by the City of Fort Wayne at the Office of Department of Purchases, Number One Main Street, Room 470, Fort Wayne, Indiana, until Thursday - July 17, 1975 - 11:00 A.M.  
\_\_\_\_\_ for the following items:

Construction of a Bike Trail

Bid Forms, specifications, etc., may be obtained upon application at the office and address given above.

A Bid Bond or Certified Check in the amount of \$ 5% must be submitted with the bid.

The successful bidder will be required to furnish a 100% Performance Bond.  
Department of Purchases  
City of Fort Wayne  
By A.T. Demetroff  
Director of Purchases

INSERT 1st RUN

REPEAT 2nd RUN

Type of Advertising Required

7-7-75

7-14-75

LEGAL NOTICE

PROPOSAL:

In compliance with the foregoing invitation to bid and subject to all of the conditions thereof the undersigned offers and agrees, if this bid is accepted within a reasonable time from date of opening of bids, to enter into a contract in accordance with the prices stated herein.

The Legal Advertisement, General Conditions, Instructions to Bidders, Information for Bidders, Special Conditions, Specifications, and Plans applying form a part of this proposal.

This proposal is supported by the following bid surety as required by law and signatures affixed thereto constitute both a proposal and bid surety executed by the bidder.

BID SURETY (REQUIRED BY LAW):

BOND FORM: (USE THIS BOND FORM—NO ALTERNATE FORM OF BOND WILL BE CONSIDERED).

KNOW ALL MEN BY THESE PRESENTS, THAT we, the undersigned, are held and firmly bound unto the City of Fort Wayne, State of Indiana, in the sum of.....  
5% of the attached bid

.....Dollars,  
to be paid on demand to said City of Fort Wayne, its successors and assigns for which payment well and truly to be made, we hereby bind ourselves, our heirs, successors, executors, and administrators, jointly and severally firmly by these presents.

The condition of this obligation is such that if the bid or proposal attached hereto and made a part hereof and submitted to the within named division of the City of Fort Wayne or its duly constituted agent, is accepted and a contract awarded to the undersigned bidder and the said bidder shall within ten (10) days after notice of said award enter into a contract with the said City of Fort Wayne, State of Indiana, and shall secure the performance of the same by bond or otherwise as may be required to the satisfaction of the City of Fort Wayne, Indiana then this obligation shall be null and void; otherwise to be in full force and effect.

BID CHECK (ALTERNATE FORM OF SURETY):

Certified ☐

Cashiers ☐ Check No. .... in the sum of .....

.....Dollars

on ..... Bank

of .....

is herewith submitted and deposited in lieu of bond under the same terms and conditions as set forth in the above bond.

Note: If Check is used as Bid Surety—Attach here.

SIGNATURES (BID SURETY AND PROPOSAL):

Witnessed by:

OTHER PARTIES INTERESTED IN THIS PROPOSAL

(See 14—Signatures under General Conditions, etc.)

List all Parties if Partnership

Witnessed by:

SURETY

Reith Riley Construction Co., Inc.

Name of Bidder—Print or Type

By 

Signature of Person Authorized to Sign  
Charles D. Young

BIDDER  
AND  
PRINCIPAL

Title..... Area Superintendent

2511 N. County Line Road

Street Name and Number

Huntertown, Indiana 46748

City, State and Zip Code

Date..... July 17, 1975

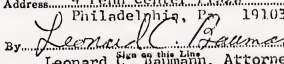
Reliance Insurance Company

Name of Company—Print or Type

Incorporated in the State of; Pennsylvania

Address 4 Penn Center Plaza

Philadelphia, Pa 19103

By 

Sign on this Line  
Leonard C. Baumann, Attorney in

Date..... July 17, 1975

Fact

HEAD OFFICE, PHILADELPHIA, PENNSYLVANIA

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That the RELIANCE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Pennsylvania, does hereby make, constitute and appoint Leonard C. Baumann of Goshen, Indiana

its true and lawful Attorney-in-fact, to make execute, seal and deliver for and on its behalf, and as its act and deed any and all bonds and undertakings of suretyship,

and to bind the RELIANCE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the RELIANCE INSURANCE COMPANY and sealed and attested by one other of such officers, and hereby ratifies and confirms all that its said Attorney(s)-in-fact may do in pursuance hereof.

This Power of Attorney is granted under and by authority of Article VII of the By-Laws of RELIANCE INSURANCE COMPANY which became effective May 11, 1962, which provisions are now in full force and effect, reading as follows:

ARTICLE VII — Execution of Bonds and Undertakings

SECTION 1. The Board of Directors, the President, or any Vice-President or Assistant Vice-President shall have power and authority to: (a) appoint Attorneys-in-fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney-in-fact at any time and revoke the power and authority given to him.

SECTION 2. Attorneys-in-fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under and by authority of the following Resolution adopted by the Board of Directors of RELIANCE INSURANCE COMPANY at a meeting held on the 8th day of May, 1959, at which a quorum was present, and said Resolution has not been amended or repealed:

"Resolved, that the signatures of such directors and officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the RELIANCE INSURANCE COMPANY has caused these presents to be signed by its Vice-President, and its corporate seal to be hereto affixed, this 10th day of January, 1973

RELIANCE INSURANCE COMPANY



R. Marlink  
Vice-President

STATE OF Pennsylvania }  
COUNTY OF Philadelphia } ss

On this 10th day of January, 1973, personally appeared R. Marlink

, to me known to be the Vice-President of the RELIANCE INSURANCE COMPANY, and acknowledged that he executed and attested the foregoing instrument and affixed the seal of said corporation thereto, and that Article VII Section 1 and 2 of the By-Laws of said Company, set forth therein, is still in full force.

My Commission Expires:



Mercile Stellberger

April 26, 1976

Notary Public in and for State of Pennsylvania

Residing at Philadelphia

I, E. Clyde Wilber, Assistant Secretary of the RELIANCE INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said RELIANCE INSURANCE COMPANY, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 17th day of July, 1975



E. Clyde Wilber  
Assistant Secretary



# RIETH-RILEY CONSTRUCTION CO., INC.

POST OFFICE BOX 477, GOSHEN, INDIANA 46526

Know all men by these Presents, that the Rieth-Riley Construction Co., Inc., a corporation organized under the laws of the State of Indiana, at a meeting of its board of directors on March 25, 1971, took the following action:

"BE IT RESOLVED that C. O. Young, being an employee of the Corporation, shall have full power and authority for and on behalf of this Corporation to submit bids for and to execute in its name and stead any contract not exceeding \$150,000 which calls for work, services or materials to be furnished by the Corporation, whether such contracts be public or private in nature, and any bids and contracts thus executed shall be binding upon the Corporation; and said C. O. Young shall have full power and authority to execute bonds and all requisite instruments for the purpose of carrying out the provisions of this resolution; and this resolution shall remain in full force and effect until rescinded."

In witness whereof I have affixed my name as President.

RIETH-RILEY CONSTRUCTION CO., INC.

*Blair A. Rieth*  
Blair A. Rieth, President

I certify that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the board of directors held March 25, 1971, which is still in full force and effect.

*William N. Rieth*  
William N. Rieth, Secretary  
RIETH-RILEY CONSTRUCTION CO., INC.

State of Indiana )  
County of Allen ) SS:

Subscribed and sworn to before me by Blair A. Rieth and William N. Rieth this 17th day of July, 1975.

*Daniel D. Kuse*  
Notary Public

My commission expires  
April 15, 1978

OFFICE AND WAREHOUSE, 311 WEST MADISON STREET TELEPHONE (219) 533-2125



## THE CITY OF FORT WAYNE

department of purchases

a. t. demetoff, director


Reference: Bid # 658 - Bike Trail

We ask that you review your bids before they are forwarded to us. No bid can be changed, altered or added to, after opening time.

1. Non-Completion of the name and signature section at the bottom of page one - Form DP2B-5-68. You must show your company name and address. You must sign your name and title.

2. Improper completion of "Proposal and Bid Surety Form." A Bid Bond (if required) must be completely filled out indicating if a bond or check (Certified or Cashiers only) is being furnished. This form must also be witnessed, and signatures affixed in the applicable places. If Bid Bond is being furnished it must be on this form, completed in its entirety. No alternate form of bond will be acceptable. If a certified or cashiers check is furnished the form is to be filled out down to the "Surety" section only.

Refer to the back page of form DP2B-5-68 for general conditions, instructions and information, to insure that you are correctly preparing your bid. This procedure will help to hold down the cost of doing business by preventing disqualification of bids and requests for rebidding.

  
A. T. Demetoff,  
Director of Purchases

ATD/le

DIGEST SHEET

TITLE OF ORDINANCE

S-75-08-08

DEPARTMENT REQUESTING ORDINANCE Park Department

SYNOPSIS OF ORDINANCE An Ordinance to cover Contract for the  
construction of a bike trail.

EFFECT OF PASSAGE To provide safe trails for the ever increasing  
number of bicycle riders.

EFFECT OF NON-PASSAGE Failure to provide safe trails to bicycle  
riders.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \$36,940.00

ASSIGNED TO COMMITTEE (J.N.)

Finance